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John G. Hall
ARCHES COURT.

Feb 1876
THE

FOLKESTONE RITUAL CASE.

J U D G M E N T

OF THE

RIGHT HON. LORD PENZANCE;

WITH AN

A P P E N D I X

CONTAINING THE

“ REPRESENTATION ” AND “ ANSWER.”

LONDON :

VACHER & SONS, 29, PARLIAMENT STREET.

1876.

Price One Shilling.

CORRECTED

BY

THE DEAN OF THE ARCHES,

AND

PUBLISHED UNDER HIS LORDSHIP'S SANCTION.

CLIFTON AND OTHERS

v.

RIDSDALE.

JUDGMENT

DELIVERED IN THE COURT OF ARCHES, HELD IN THE
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3RD FEBRUARY, 1876.

SOME misconception, I fear, exists as to the functions, powers, and duties, of this Court.

Some also with regard to the source of its jurisdiction.

It is not well that this should be so; for those who, however unadvisedly, question the authority or jurisdiction of a Court, can hardly be expected to yield to its decrees that readiness of obedience in which the true force of all tribunals resides.

I think it, therefore, not out of place that, before proceeding to the details of the case before me, I should try to set in their true light some matters that have been by some unwittingly but grievously distorted, and in the

interests of the many who conscientiously desire to yield obedience to an authority which they perceive to be lawful, to remove the misconceptions set on foot by the very few who may have no desire to submit to any authority at all.

It has been said, and I fear widely accepted, that this Court is a new Court; that its authority is independent of the Church; that the Bishops' Courts, which ought properly to entertain such questions as those now before me, have been by Parliament suppressed; and that a lay tribunal has been set up in their place, to sit in judgment not only upon Ritual, but on soundness of doctrine and the mysteries of religion.

If these things were true, they might afford ground for criticism upon the Statute, though they could not affect the duty of obeying it.

I hope, however, that those who may be inclined to act upon their truth will be at the pains of reading the Statute for themselves.

They will then perceive that every one of these four propositions is absolutely incorrect in fact.

In the first place the Public Worship Regulation Act did not, from one end to the other of it, create any new Court, or indeed any Court whatever.

By section 7 it enacted that a person with certain legal qualifications should be nominated and appointed by the two Archbishops, with Her Majesty's approval, to be a "Judge of the Provincial Courts of Canterbury and York."

"The Provincial Courts" here spoken of, are of course the existing Provincial Courts, namely—what is commonly called the Court of Arches in the Southern Province, and the Chancery Court in the Province of York.

At the time the Statute passed there were

very learned Judges presiding in each of these Courts, though they have both since then retired, and the enactment which thus created a new Judge to be a Judge in both of them, without defining his relation to the existing Judges, may be fairly criticized on that score, but is not open to the opposite charge of having created a new Court.

This explanation removes also the objection that the Courts upon which the powers given by the Statute are conferred, are Courts independent of the Church, unless, indeed, those who make this objection are willing to contend that the Provincial Courts of the two Archbishops deserve that designation.

The next objection, as to the suppression of Diocesan Courts, is equally incorrect in point of fact.

These Courts are not named or referred to, directly or indirectly, in the Statute; their rights, their powers, and their jurisdiction remain to them since the Act passed as they existed before it was passed, untouched and unrestricted.

What has really been done by the Statute is to confer on the Provincial Courts (with a more speedy and less costly procedure than heretofore) the right to entertain questions of Ritual concurrently with, but not to the exclusion of, the Diocesan Courts.

This jurisdiction is no more than the Provincial Courts exercised before the Statute upon letters of Request from the Bishop—they may exercise it now without those letters of Request; but the necessity for the Bishop's assent which is thus withdrawn in one direction, is restored in another, for by section 9 no suit can be carried into this Court if "the Bishop shall be of opinion that proceedings should not be taken."

The Provincial Courts therefore have, substantially gained no new jurisdiction by the Statute. But if they had, the question I am considering is, not what addition has been made to the powers of the Provincial Courts, but whether the Diocesan Courts have been suppressed to make way for another tribunal—and what I have here advanced (which any one may verify for himself on reading the Statute) will, I hope, serve to show that their suppression by this Statute is purely imaginary, and contrary to the fact.

There may, I daresay, be some to whom the arming of the Provincial Courts as Courts of concurrent Jurisdiction, with a more expeditious and efficient procedure, will appear to be the same thing in substance as suppressing the Diocesan Courts.

To others, on the contrary, it may appear that the rendering a Court less likely to be resorted to than before, by bringing another and more effective Court into competition with it, is hardly the same thing as suppressing or abolishing it.

I have no desire to entertain the question which of these two views is the more correct. Provided that the matter be truly stated and understood according to the fact, and not according to conclusions drawn from the fact, every one can judge for himself, and my end will have been attained.

I am no further concerned with the remaining suggestion that a lay Tribunal has been set up to deal with Doctrine as well as Ritual, than to affirm that in all matters of Doctrine this Court has now precisely the same jurisdiction, and no more than it had, before the Statute was passed: nothing has been added, and nothing taken away.

There are some, I believe, who contend that all questions touching the Clergy in their ministrations ought to be referred only to a Synod or some other Tribunal composed of Ecclesiastics.

With such a proposition I have nothing here to do, and I will dismiss the subject with the remark that those who assert it must needs go further, and either point out where in the Judicature of this country such a Tribunal is to be found, or contend that the Church of the State has no laws to govern it, or, what is the same thing, no laws capable of being enforced.

I now address myself to the merits of the present case :—

It is a proceeding taken under the Public Worship Regulation Act. Three parishioners of the parish of St. Peter's, Folkestone, have transmitted to the Archbishop of Canterbury a representation under that statute complaining of certain proceedings and matters which they allege to be unlawful in the conduct of the Respondent on the 4th and 11th days of July, A.D. 1875. On the 1st day of November, 1875, and after the duties of Judge under the statute had become merged in the office of official principal (or Dean of Arches) of the Provincial Court of Canterbury, this representation was transmitted to me, and, consequently, the proceeding before me, by virtue of sec. 7 of the Act, became at once a proceeding in the Court of Arches.

The representation complains of many things done by the Respondent which, at the hearing of the case he did not deny—nor did he deny that these things were unlawful in the present state of the law, as enunciated by the Judicial Committee of the Privy Council, reserving to himself the right to question that state of the law, so far as he may be allowed to do so by

that Tribunal, should he appeal to it in the present case.

I will shortly enumerate these offences:—

1. The use of lighted candles on the Communion Table, or on a ledge immediately over it, at the time of the Celebration of the Holy Communion, when those candles were not required for giving light.
2. The mixing of water with wine for the service of the Holy Communion.
3. The use of wafer bread, instead of bread such as is usually eaten, in the administration of the Holy Communion.
4. Standing at the middle of the west side of the Communion Table with his back to the people, so that the people could not see him break the bread during the Prayer of Consecration.
5. Kneeling during the Prayer of Consecration—a practice, however, which he says he has since discontinued.
6. Causing the hymn or prayer commonly known as the “Agnus Dei” to be sung, during the Communion Service, immediately after the Prayer of Consecration.
7. Forming and accompanying a procession, consisting of a choir and two acolytes in short surplices and red cassocks; four banners, a brass instrument, and a processional cross being carried in it; the choir singing a hymn, and the Respondent walking in it with a cap called a biretta on his head; such procession taking place after the service of Morning Prayer and immediately before the Communion.
8. Forming and accompanying a like proces-

sion, on another occasion, when, at one period of it, all those who took part in it fell on their knees and remained kneeling for some time.

The facts of these eight charges having been admitted by or on behalf of the Respondent, and the unlawfulness of his conduct on these occasions being unquestioned before me, and, in my opinion, unquestionable, my duty on the present occasion will be confined to admonishing him not to offend again in the same way.

There is one other charge, upon which in like manner no defence has been offered, which requires, I think, some further notice. I allude to the charge of celebrating the Holy Communion in the vestments known by the names of "Chasuble" and "Albe."

This question of vestments is one which stands in a peculiar position, in respect of the judicial decisions of which it has been the subject. Dr. Lushington, Sir John Dodson, and Sir R. Phillimore, have all held what are called the Edwardian Vestments to be lawful.

By the Court of Appeal in *Liddell v. Westerton*, consisting of some of the ablest judges of our time, Lord Cranworth, Lord Wensleydale, Lord Kingsdown, Sir John Patteson, and Mr. Justice Maule, with the late and present Archbishops of Canterbury, it was affirmed in the following words, that "the same dresses and the same utensils or articles which were used under the first Prayer Book of Edward VI. may still be used."

In the case of *Martin v. Mackonochie*, it was declared generally that the Court "entirely concurred" in the construction of the Ornaments Rubric in the previous case, and particularly that "the term ornaments in the Rubric

means those articles, the use of which in the services and ministrations of the Church is prescribed by the first Prayer Book of Edward VI."

In *Liddell v. Westerton*, it is right to observe that the Court in the remarks above quoted, was commenting upon this Rubric for the particular purpose, and the particular purpose only, of showing that it applied to articles and things which were "used" in the service as distinguished from ornaments which were not "used," but "set up in Churches as ornaments in the sense of decorations."

The terms, therefore, in which their construction of the Ornaments Rubric was declared, constituted a Judicial dictum (very valuable no doubt, considering the high authority of the Judges from whom it emanated), but still a Judicial dictum only.

But in the later case of *Martin v. Mackonochie*, the question arose directly whether the lighting of a candle could be justified as the "use" of an ornament permitted by this same "Ornaments Rubric," upon which the question of vestments turns.

It thus became necessary to construe the language of that Rubric, and the Court having, as above stated, declared their adherence to the construction given to the Rubric in the former case, went on to say that this construction "went far to decide the case in hand,"—and concluded thus: "But the Rubric, speaking in 1662, more than one hundred years subsequently, has, for reasons which it is not the province of a judicial tribunal to criticize, *defined the class of ornaments to be retained*, by a reference, not to what was in use *de facto*, or to what was lawful in 1549, but to what was in the Church, by autho-

rity of Parliament, in that year, and in the Parliamentary authority which this Committee has held, and which their Lordships hold to be indicated by these words, the ornaments in question are not included."

The argument of the Court, therefore, ran thus:—The ornaments which may be lawfully used are defined by the Rubric of the present Prayer Book; the meaning of that Rubric is, that such "ornaments" may be used as are prescribed by the first Prayer Book of Edward VI.; the use of a lighted candle is not found to be prescribed by the first Book of Edward VI.; therefore, it is not lawful. I can only regard this case, then, as a decision directly based upon the proposition that the Rubric of the present Prayer Book defined the "ornaments" which should be lawful in future as those which had been prescribed by the first Prayer Book of Edward VI.

No doubt, the category of lawful ornaments to be found in the first Book of Edward VI. was appealed to in that case to prohibit a lighted candle as *not* being within it; it must be invoked by those who uphold the Edwardian vestments as a justification for the use of all vestments which *are* within it; but it is difficult to conceive that this distinction warrants a different conclusion as to the Rubric's meaning.

If the directions of the Book of Edward VI. are to be taken as the test of what may be lawfully used under the present Prayer Book, for the purpose of excluding matters and things which are not within them, it may be well urged that they are also the test of legality for the purpose of justifying the use of the things which are within them, and expressly enjoined by them.

When fully considered, therefore, this case affords not a mere judicial dictum, but a direct authority, as to the true meaning of the Rubric judicially announced as the *ratio decidendi* of the Court, and acted upon as the basis of its ultimate decision.

With this decision, the subsequent one of *Hibbert v. Purchas*, condemning the vestments which are among the "ornaments" prescribed by the first Book of Edward VI., appears to be directly in conflict: but, then, it must be borne in mind that the case of *Martin v. Mackonochie* dealt with things used in the church services (such as a candle), while the case of *Hibbert v. Purchas* dealt with the dresses of the ministers, as to which dresses the canons of A.D. 1603 had given certain directions; and it was to these canons, as I understand the latter case, that the Court ascribed the authority to qualify the subsequent Statute and Rubric in respect of dresses or vestments.

The only passage which throws any light on the aspect in which the previous decision was regarded by the Court, is the following—

"In *Martin v. Mackonochie*, the Committee stated anew the substance of the Judgment in *Westerton v. Liddell* upon this point, but did not take up any new ground."

Save in these words, no reference whatever to the case of *Martin v. Mackonochie* is made in the Judgment in *Hibbert v. Purchas*.

So brief a notice and summary a dismissal seem rather to favour the conclusion that the case was considered unimportant to the matter in hand than that it was meant to be over-ruled.

It may be, therefore, that this conflict of authorities is rather apparent than real; but, whether it be the one or the other, my course in

this Court is clear. I cannot doubt that of two judgments delivered in the Appellate Court, which are in any degree inconsistent, I am bound in pronouncing the decision of the Inferior Court to obey and carry out that which was addressed directly to the matter in issue here, and which also was the last pronounced.

As this result was inevitable the learned Counsel have done well I think not to argue the question, and as the question has not been argued I forbear to express my own opinion on the subject.

I must therefore hold that Mr. Ridsdale has offended against the law in celebrating the Communion in a Chasuble and in an Albe, and admonish him to refrain from doing so in future.

If this decision is wrong it must be corrected by the Appellate Court.

I proceed now to deal with the remaining charges, and I will take first the charge which relates to the celebration on the 4th July, 1875, at the service commencing at 10.30 of the Holy Communion, when only one person besides the Respondent received it.

The fact is not denied. The only answer given is, that the great bulk of the congregation remained in the Church—that there were 200 to 250 people present, and that the Respondent had reason to believe, and did believe, that a sufficient number of them would communicate with him.

I will examine the correctness of this last assertion presently ; but, in the first place, it is desirable to turn to the Rubric itself, which is said to have been contravened. It is in these words—

“And there shall be no celebration of the Lord’s Supper except there be a convenient number to communicate with the Priest, according to his discretion. And if there be not above twenty persons in the Parish of discretion to receive the Communion, yet there shall be no Communion except four (or three at the least) communicate with the Priest.”

It cannot, I think, be said that the words of this Rubric admit of any but one interpretation—there is to be no Communion unless as many as three persons are present and communicate with the Priest.

It was not even in argument contended that the Rubric meant anything else.

It does not say there shall be no Communion “unless the Priest believes,” or “unless he has reasonable ground to believe,” that there will be as many as three communicants, but expressly that there shall be no Communion “except three at the least” do in fact “communicate with the Priest.”

But it was urged on Mr. Ridsdale’s behalf, that his infraction of this Rubric was not a wilful or voluntary one, and that on a principle which pervades the administration of all laws, he ought not to be held responsible for what he could not prevent.

I must observe that this defence was rather that of his counsel in argument than that which he had urged himself in his “Answer.”

All that he there says is, that a convenient

number of persons were present who might have communicated, and that every opportunity was given to them to do so, studiously omitting to say either that he honestly thought the requisite number would communicate, or that he had no means of knowing whether they would or not.

I cannot regard this as otherwise than a very significant and possibly intentional omission.

Still the question remains, whether there was on this occasion, or would be on other occasions, any real impossibility of conforming to the Rubric, a proposition which it devolves upon the Respondent to establish.

This impossibility is said to reside in the fact that the Priest must, according to the several Rubrics regulating the administration of the Sacrament, consecrate the elements and receive them himself, before he has any means of knowing whether there will be as many as three persons coming forward to receive them after him.

But is this the fact? Neither by any evidence that he has given, nor by any conclusions to be extracted from the Rubrics of the Communion Service, does it seem to me to be established that a Priest really desirous of conforming to the Rubric, is practically unable to discover whether the celebration he is about to enter upon will be a lawful one or not.

On a perusal of the several Rubrics as they occur in the Communion Service, it certainly seems to be assumed throughout that the number of those who are about to communicate will be known (or, at least, approximately so) to the Priest, and, if others are present (the propriety of which is, I believe, a controverted

point, but one with which this Court has nothing now to do), discriminated in some manner from them.

Thus at the very beginning of the Order for the Administration of the Communion, it is said,—“So many as intend to be partakers of the Holy Communion, shall signify their names to the Curate at least some time the day before.”

Then at a later period of the service, — “The Priest shall then place on the Table so much Bread and Wine as he shall think sufficient;” and again,—“At the time of the Celebration of the Communion, the *Communicants being conveniently placed* for the receiving of the Holy Sacrament;” and again,—“Then the Priest shall say to *them that come to receive the Holy Communion* ;” and again,—“Then shall this General Confession be made in the *name of all them that are minded to receive the Holy Communion*.”

Those, therefore, who intend to receive the Holy Sacrament are invited to give notice of their intention :—a quantity of bread and wine is to be placed on the Communion Table, which is to be estimated in reference to the probable number of them :—they are to be conveniently placed “for the receiving of the Holy Sacrament;” and they are to be addressed in the character of Communicants by the Minister : all of which provisions seem to imply that the Minister has some means of distinguishing them.

But no precise direction appears to be given as to the details of the manner in which any separation, discrimination, or distinction, between those who do, and those who do not, communicate, is to be brought about.

A reference to the Rubrics of the previous

Prayer Books may throw some light on the general intention of the Legislature on this head.

In the first Prayer Book of Edward VI., at the end of the Offertory, stands the Rubric following :—

“Then so many as shall be partakers of the Holy Communion shall tarry still in the quire, or in some convenient place nigh the quire, the men on one side, and the women on the other side,—all other (that mind not to receive the Holy Communion) shall depart out of the quire, except the Minister and Clerks.”

In the second Book of Edward VI., this Rubric desiring the communicants to remain in the quire was omitted, perhaps because the congregation was no longer invited to come into the quire, and deposit their alms in the box which used to stand near the altar, or perhaps because a Rubric was then for the first time introduced, directing that the Table at the time of the Communion should stand in the body of the church, except in those churches where morning and evening prayer were read in the chancel.

But at this same time a further alteration was made by adding the following very strong expressions to the form of exhortation which was to be said “at certain times.”

“And whereas ye offend God so sore in refusing this Holy Banquet, I admonish, exhort, and beseech you that unto this unkindness ye will not add any more, which thing ye shall do if ye stand by as gazers and lookers on them that do communicate, and be no partakers of the same yourselves. For what thing can this be accounted else than a further contempt and unkindness towards God. * * * *

Wherefore, rather than ye shall do so, depart

you hence, and give place to them that be godly disposed."

This exhortation is looked upon by some, I believe, as addressed only to those who were not in the habit of communicating at all. By others on the contrary, it is regarded as an invitation to all who are not about to communicate on the particular occasion, to leave the Church, and thus separate themselves from the communicants.

But, whatever may have been the intention of it, it is not unlikely that it gave rise to a custom more or less general for the non-communicants to withdraw.

On this matter I will quote a passage from a judgment delivered in the Metropolitan Court of Armagh in the year 1852. The case was cited by Dr. Stephens, and I am indebted to him for a copy of the judgment.

Speaking of this Exhortation, the Rev. Judge of that Court said:—

"This striking address, repeated in all the Churches of the kingdom during a period of nearly a hundred years, very effectually brought about and established the custom of the non-communicants withdrawing—a custom that continues to this day, although this part of the Exhortation was omitted in the Prayer Book of 1662." He then adverts to the fact that the Rubric above quoted, as to the communicants "being conveniently placed," was for the first time inserted in the present Prayer Book, and goes on thus:—

"When, therefore, the non-communicants have withdrawn, and the communicants have placed themselves conveniently for receiving the Sacrament that is in a part of the Church near the Lord's Table, it would seem to be easy for the officiating minister to make a tolerably accurate

estimate of the numbers for whom he is to provide a sufficient quantity of bread and wine, even though they have not signified their names previously."

The only other matter which sheds any light on this subject is the language of the twenty-fifth Article of Religion, which speaks of the Sacrament as not to be carried about or "gazed upon."

Upon this review of the history of these Rubrical directions, the conclusions at which I arrive are, that the Legislature, in both Prayer Books of Edward VI. as well as the Book of 1662, contemplated that there would be some method of discriminating between those who intended to partake of the Holy Communion, and those who did not; that under the first book of Edward VI. the means of doing so were specifically prescribed; that under the second book of Edward VI., and the present book, no such specific means are prescribed (except they be found in the direction that the communicants should be "conveniently placed") and that the custom, however general, of the non-communicants retiring from the Church is not specifically enjoined by any positive direction of the existing rubrics.

Nor am I aware that the Minister has any means at his command to enforce compliance with this custom, supposing it to be desirable to do so, upon which matter it is not my duty here to express an opinion.

But admitting this to be so, it was still urged by the complainants that the Minister has, practically, other means within his reach of ascertaining whether a sufficient number are about to communicate, did he choose to avail himself of them.

It was not asserted, nor can it be assumed, that the members of the Respondent's congre-

gation would do otherwise than assist him in avoiding the celebration of the Sacrament in a manner contrary to the express letter of the law; and it was therefore contended that the Respondent had only to make known to his congregation the difficulty in which they placed him by the practice of non-communicants remaining in the Church when the celebration of the Holy Sacrament was about to begin, without any separation being effected between them and the communicants, for the difficulty to pass away.

To this it was replied that a clergyman has no means of doing so without violating the Rubrical directions, and the Judgement in *Westerton v. Liddell* was relied upon to show that the details of the Communion Service could not be added to, or varied, by any announcement on the part of the minister, without infringing the law.

Various means were suggested, however, by which it might be done, and either through the Churchwardens or through the pulpit, or otherwise, it was said that the Minister might make known his desire that if non-communicants chose to remain in the Church, the communicants should conveniently place themselves apart from the rest, so as to enable him to recognize them.

The most formal method of proceeding in this direction, perhaps, would be for the Clergyman to apply to his Ordinary, and with his leave to read out during the service a notice describing what those who intended to communicate should do to declare themselves, and thus comply with the Rubric, immediately preceding the Offertory on the subject of notices to be given in Church.

I do not dwell further on this, or pause to decide what the Respondent might best have

done, because he has in fact *done nothing* and *attempted nothing*, and further because I am not even satisfied that he had any reasonable cause to expect that the celebration of the 4th July would be other than what it actually was. It appears, on the Respondent's own evidence, that what happened on the 4th July had happened on several previous occasions; that he had taken no steps to prevent the recurrence of it, and that on leaving his cure in the hands of two other Clergymen when he went abroad in August, he gave them no warning or directions, so that the same thing happened again in his absence.

The possible difficulties of a position can hardly, therefore, be listened to in exculpation of one who has not been at the pains of ascertaining whether they are real difficulties or not.

But now I turn to the question whether the Respondent had reasonable ground to believe, or did even in fact believe, that there would be a sufficient number of Communicants on the 4th July.

It is impossible, I think, to read his own evidence on this head and not perceive that he entered upon the celebration of the Holy Sacrament on that day without, as he states it himself on re-examination, "any positive expectation, one way or the other." It is true there were many present as to whom he did not know that they might not communicate, and as to some, he says he thought they might, but he had no belief that they would.

Whatever may be said as to whether reasonable grounds for believing that the proper number would communicate existed or not, it is clear, I think, that the Respondent must establish that he did in fact believe that they would

do so, before he could possibly be in a position to set up any exculpation based on the imperfect state of his own knowledge.

This he has failed to do. The Rubric has, in my opinion, been violated, and without excuse. It will, therefore, be my duty to admonish the Respondent to obey the Rubric in future.

The next questions for the decision of the Court concern the lawfulness of the Crucifix, and of the paintings called the Stations of the Cross, which have been set up in St. Peter's Church.

The solution of these questions depends not on any single contested passage of a statute or a Rubric to be construed by the Court, but on the general result of the various acts of the Sovereign and the Legislature, which go to make up that momentous change in the State religion, and the ecclesiastical laws of the realm, which is known as the Reformation.

The field, therefore, over which such an inquiry is capable of being pursued, is an almost unbounded one, but it does not, I think, devolve upon this Court so to pursue it.

For the ground has been already travelled by the appellate tribunal in the two cases of *Westerton v. Liddell*, and *Philpotts v. Boyd*, in which all that historical research and able argument could do to elucidate the legal propositions deducible from an inquiry of the kind, was fully and effectually done.

I will state in a few sentences, the points

decided in these cases so far as they affect the present inquiry.

In the case of *Westerton v. Liddell*, the Court had to pronounce upon the legality of a Cross set up in Mr. Liddell's Church. And it was decided that although before the Reformation, the symbol of the Cross had no doubt been put to superstitious uses, "yet that Crosses when used as mere emblems of the Christian faith, and not as objects of superstitious reverence, may still lawfully be erected as architectural decorations," and that the wooden Cross erected in that particular case "was to be considered a mere architectural ornament."

The Court determined nothing directly as to the legality of a Crucifix, but was at great pains throughout the Judgment to point out that Crosses were to be distinguished from Crucifixes, saying that "there was a wide difference between the Cross and images of saints, and even, though in a less degree, between a Cross and a Crucifix," the former of which, they said, had been "used as a symbol of Christianity two or three centuries before either Crucifixes or images were introduced."

I must infer therefore that, in the opinion of the Court, as declared in this case of *Westerton v. Liddell*, the use of the Cross was only to be justified when it played the part of a *mere architectural ornament*, and that the views and arguments upon which that justification was based did not afford the same justification to Crucifixes.

In *Philpotts v. Boyd*, the Court, in justifying the erection of the Exeter reredos, adhered entirely and very distinctly to the position taken up in the previous case, and pronounced that erection lawful, though it included many sculp-

tured images, on the express ground "that it had been set up for the *purpose of decoration only*," declaring that it was "not in danger of being abused," and that "it was not suggested that any superstitious reverence has been or is likely to be paid to any of the figures upon it."

These two cases, considered together, afford to this Court a sufficient guide for the principles which it is now bound to apply.

All that remains is to apply them.

In doing so it is necessary first to have a clear idea of what is meant by "superstitious reverence being paid," and then to ascertain whether such "reverence" is likely to be, or in danger of being "paid" to the particular objects here complained of, or whether, on the contrary, it is established that those objects are for architectural ornament only.

It will be observed that the contrast set up by the Court in these cases, is between superstitious reverence, on the one hand, and architectural decoration on the other; and I cannot but think that the Court considered that all figures in sculpture or painting, must needs fall within one category or the other—so that if the objects and figures here in question were intended to be, or were likely to become anything more, or other, than mere architectural decorations, they would be illegal as objects of "superstitious reverence."

This view would at once simplify the definition of "superstitious reverence," and reduce the inquiry to the question whether the limits of mere architectural decoration have been exceeded or not.

But, passing this by, and considering the matter in a more general light, I conceive that the words "superstitious reverence" or "idola-

trous practices," together with the more general term "abuse," all which expressions are used indifferently by the Court in *Philpotts v. Boyd*, are intended by the Court to mean the same thing as "worship," and "adoration," which are found in the 22nd Article of Religion. This appears from the following passage in that judgment.

"As the Reformation proceeded, and the Articles of Religion, came to receive statutory authority, the doctrine of the Church on this subject was plainly set forth. The 22nd Article of Religion declares that "The Romish Doctrine concerning Purgatory, Pardons, *Worshipping* and *Adoration*, as well of Images as of Reliques, and also invocation of Saints, is a fond thing, vainly invented and grounded upon no warranty of Scripture, but rather repugnant to the Word of God;" in other words, it condemns only the "abuse" of images."

What then was this Romish doctrine? The actual worship of the graven image in place of the Deity it represents, has never, so far as I am aware, been inculcated by the Romish Church. It certainly forms no part of the teachings of that Church, if I may rely on the testimony produced in this case from the lips of the witness Dominic Criscitelli.

The "Romish doctrine" "concerning worshipping and adoration of images," spoken of in the 22nd Article of Religion as "a fond thing vainly invented," must therefore be intended in that Article to mean the devotion and prayer which the Roman Church to this day enjoins its adherents to offer, not to images themselves, but to God before crucifixes, images, or paintings, and the like. And it was this doctrine, together with the practices which had been found to result from it, which it was a

main object of the Reformation to denounce and utterly put away from the Reformed Church.

That I may in no wise mistake or misapprehend the doctrine of the Romish Church on this matter, I will refer to the following passage from the Decrees of the Council of Trent:—

“Imagines porro Christi, deiparæ Virginis, et aliorum sanctorum in templis præsertim habendas et retinendas, eisque debitum honorem et venerationem impertiendam, non quod credatur inesse aliqua in iis divinitas vel virtus propter quam sint colendæ, vel quod ab eis sit aliquid petendum, vel quod fiducia in imaginibus sit figenda veluti olim fiebat a gentibus, quæ in idolis spem suam collocabunt, sed quoniam honos qui eis exhibitur refertur ad prototypa quæ illæ representant ita ut per imagines quas osculari et coram quibus caput aperimus et procumbimus Christum adoremus et sanctos quorum illæ similitudinem gerunt, veneremur—Session XXV.—“De Invocatione, veneratione et reliquiis sanctorum et sacris imaginibus.”—Corpus Juris Civ., Vol. II., p. 84.

It was not, therefore, intended in the above decision of the Court of Appeal by the use of the words “superstitious reverence,” “adoration,” or “worship,” to convey only the limited idea of a figure or object itself worshipped like a Pagan idol. On the contrary, I understand these expressions as intended to embrace the far more extended conception of worship, adoration, or reverence paid to the Deity in *presence of* or *before* those objects or figures.

It may not be easy to push definition further than this, and define what it is that in any, or every case, constitutes adoration or worship in presence of an image or figure; nor is it neces-

sary to do so; it is enough for the purpose in hand to say that it must be taken to include *all and every form or degree in which the object in question is made to take a place, or play a part*, in the devotions which are paid to the Deity before it.

It is in this sense, then, that I propose now to inquire whether it can fairly and reasonably be said that the figures complained of are likely to be or in danger of being objects of "worship" or "superstitious reverence."

There is no dispute as to what these figures are or where they are placed. There is a screen of open ironwork some nine feet high stretching across the Church at the entrance to the chancel; the middle portion of this screen rises to a peak, and is surmounted by a Crucifix or figure of our Saviour on the Cross in full relief and about eighteen inches long—this is the Crucifix complained of. The screen, of course, from its position directly faces the congregation, and the sculptured or moulded figure of our Lord is turned towards them. There is, further, a row of candles at distances of nearly a foot apart all along the top of the screen, which is continued up the central and rising portion of it, the last candles coming close up to the Crucifix on either side, so that when the candles are lighted for the evening service, I should presume that the Crucifix would stand in a full light.

These candles were proved to have been lighted for the evening service on the 4th July, 1875; it hardly seems that they were necessary for the purpose of lighting the Church at the beginning of the service on that occasion; but, on the other hand, it appears that the gas was necessarily turned on before the service con-

cluded, and I cannot say that it is made out to my satisfaction that the candles were not then wanted for lighting purposes.

I may at once then dispose of the charge which, though not distinctly made in the representation, was urged in argument, that the position of the candles in relation to the Crucifix and the manner in which they were used together constituted a ceremonial observance, and as such were not warranted by law. I hold that this charge is not made out, and I pass to the more serious consideration, whether a Crucifix so placed and lighted is in danger of being an object of "superstitious reverence."

The best forecast of the future in most cases, but especially in those wherein the weaknesses and failings of mankind are concerned, is to be obtained from the experience of the past. And it was to the past that the Court in *Philpotts v. Boyd*, emphatically appealed in justification of the Exeter reredos. In speaking of "painted representations of portions of sacred history, to be found in many of our churches," the Court relied upon the circumstance that these paintings "had been proved by long experience to be capable of remaining there without giving occasion to any idolatrous or superstitious practices." Would an appeal to the experience of the past, in the case of Crucifixes, bring out the same result?—or, rather, it should perhaps be asked, would not the result be the very opposite?

It is precisely here that, to my mind, the great difficulty presents itself in the proposal now made to sanction the restoration of so well known an object as the Crucifix to that place in our Churches to which for 300 years it has been a stranger.

The Crucifix, as set up in our Churches, has a special history of its own.

Before the Reformation, the "Rood" was ordinarily to be found in Parish Churches in this country. It presented the carved, sculptured, moulded, or painted figure of Jesus Christ on the Cross, and was, in fact, "a Crucifix, with images at the base."—See Perry's "Lawful Church Ornaments," p. 247.

This figure was erected on a structure called the Rood Loft, which appears to have traversed the Church at the entrance to the^d Chancel; in fact, it occupied as nearly as may be the position which the iron screen in the present case does.

There is in existence the most precise and unquestionable evidence on this matter, and it is to be found in the records of the Lincolnshire parishes, printed in Mr. Peacock's book on Church Furniture, and dated A.D. 1565-6.

So universal does the existence of the "Rood" in some form, either sculptured or painted, seem to have been, that in these returns of the Churchwardens of upwards of 150 parishes, there is mention of the Rood as having been defaced or pulled down in at least 140.

It will also be found that in Bonner's Articles, put forth during the reign of Queen Mary, in the year A.D. 1554, (see Card. Doc. Ann, vol i. p. 152), inquiry is made "whether there be a Crucifix or Rood Loft, as in times past has been accustomed, and if not, where the Crucifix or Rood Loft is become, and by whose negligence the thing want."

Again, in Cardinal Pole's Articles, A.D. 1557, (Card. Doc. Ann, vol i. p. 206), "whether they have a Rood in their Church of a decent stature with Mary and John."

After this period, the historical evidence

abounds that in the reign of Elizabeth these Roods and Rood Lofts were destroyed, far and wide, as monuments of idolatry and superstition, but I am not at present concerned with that circumstance, save so far as it serves to show that they had existed, and were of general if not universal occurrence.

Not only so, but in the year 1560, a discussion appears to have arisen as to the propriety of setting the Roods or Crucifixes up again in Parish Churches.

In the Zurich Letters, first series, p. 67, is a letter by Bishop Jewel, dated 4th February, 1560, in which he says—

“This controversy about the Crucifix is now at its height. . . A disputation upon this subject will take place to-morrow. . . For matters are come to that pass, that either the Crosses of silver and tin, which we have everywhere broken in pieces, must be restored, or our Bishoprics relinquished.”

In the same series, at pages 73-74, dated 1st April, in the same year, is a letter of Bishop Sandys, in which is the following passage :—

“We had not long since a controversy respecting images. The Queen’s Majesty considered it not contrary to the Word of God, nay, rather for the advantage of the Church, that the Image of Christ crucified, together with Mary and John, should be placed, as heretofore, in some conspicuous part of the Church, where they might more readily be seen by the people. Some of us thought far otherwise, and more especially as all images of every kind were, at our last Visitation not only taken down, but also burnt, and that too by public authority, and because the *ignorant and superstitious multitude are in the habit of paying adoration to this Idol above all*

others." * * * * * "God delivered the Church of England from stumbling blocks of this kind."

From all this it is plain that the Crucifix formed an ordinary feature in the Parish Church before the Reformation; and it cannot be doubted that it did so, not as a mere architectural ornament, but as an object of reverence and adoration.

If any proof was required of this proposition, it may be found in the fact that the worship of it was enjoined in the Sarum Use, the Missal most largely accepted and used in England before the Reformation.

This was especially the case on Palm Sunday. In the order of service for that day, given in the Sarum Missal, a very elaborate service ended with the adoration of the "Rood" by the celebrant and choir, before passing into the chancel.—See Rock's "Church of our Fathers," Vol ii. p. 229. Sarum Missal, Burntisland Edit. A.D. 1861, p. 262.

Such is, most briefly, the part played by the "Rood" or Crucifix in English Churches in the past. If set up again in them now, what part is it likely to play in the future?

It is no doubt easy to say, What proof is there of danger of idolatry now? What facts are there to point to a probability of "abuse"?

But when the Court is dealing with a well-known sacred object—an object enjoined and put up by authority in all the churches of England before the Reformation, in a particular part of the church, and for the particular purpose of "adoration"—when the Court finds that the same object, both in the Church and out of it, is still worshipped by those who adhere to the unreformed Romish faith, and when it is told

that, now, after a lapse of 300 years, it is suddenly proposed to set up again this same object in the same part of the Church *as an architectural ornament only*—it is hard not to distrust the uses to which it may come to be put, or escape the apprehension that what begins in “decoration” may end in “idolatry.”

If this apprehension is a just and reasonable one, then there exists that likelihood and danger of “superstitious reverence” which the Privy Council, in *Philpotts v. Boyd*, pronounced to be fatal to the lawfulness of all images and figures set up in a Church.

Before concluding that it is so, let me pass in review the arguments urged in favour of the opposite side of the question.

I will place, first, among them the consideration, forcibly pressed on the Court, that the times we live in are not as the times before or at the period of the Reformation; that images and figures which gave occasion then “for unhealthy minds” to abuse, “we, in our more extended knowledge, may be permitted to use with safety.”

That there is a wide difference in the state of knowledge, and still more in the degree of its general diffusion, between the 19th and the 16th centuries will not be denied; but is it equally certain that superstition has waned in proportion as the light of intellectual culture has advanced, and that the ground gained by the one, has been lost by the other?

Is it really so absurd, as it was argued to be, to imagine that in the present day the worship of lifeless images and figures, not as idols, perhaps, but as aids to devotion, should again prevail as in old times?

The fear that it should be so may be un-

founded, but I question whether intellectual culture can be relied upon as a safeguard against it; for, if so, what is to be said of the Romish Church and of those able and distinguished men who, in our own day, have not hesitated to join it and accept its doctrines.

What I am here discussing, I must again repeat, is not the belief in an idol of wood or stone, but the practice of involving in devotional exercises outward and visible forms, as inculcated in the devotional books of the Roman Catholic creed.

This is the "fond thing vainly invented" of the 22nd Article of Religion; and the mere fact of the existence of such a doctrine in that Church, among whose members high intellectual power and acquirement is rife, is to my mind a conclusive answer to the suggestion that the intellect or knowledge of the present day may be relied upon to take the place of those safeguards which it was the work of the Reformation to establish.

But another consideration must not be lost sight of. If the intelligent and the cultivated no longer need the protection of old days, can the same be said of the weak and ignorant? The Parish Church is for all—not for a class—and if the Crucifix, placed as it is in this instance, is lawful for St. Peter's Church, it is lawful for every Parish Church in the country, and may be provided for every congregation—strong-minded or weak, instructed or ignorant.

Let it be considered to what such a state of things as that would be likely to lead.

If devotion to our Lord comes to be habitually paid immediately before a sculptured figure of His Body on the Cross, which arrests the eye and occupies the imagination while the mind is

in attitude of prayer, it may be easy to some, and possible to many, but hardly possible to all, to wholly dissociate the outward object from the inward prayer, and exclude it from playing any part in that devotion.

The immediate presence before the eye of an outward form or object proffers an assistance, though of a spurious kind, towards fixing wavering thoughts, and exalting religious fervour, which can hardly be rejected by those who most feel the want of it, and to whom all abstract thought is a difficult exercise. When there cease to be any such, the peril may cease also; but, until then, it is impossible, I think, to accept the alleged robust temper of the present times as a safeguard against so obvious a temptation.

Another argument urged for the Respondent was this, that Crosses had been as much abused and worshipped before the Reformation as Crucifixes, and are therefore as much in danger of abuse now, and yet Crosses were by the Court, in *Westerton v. Liddell*, held not to be unlawful as ornaments. I will only say on this head of argument that the Court in that case were of a contrary opinion; that for reasons which they considered sufficient, they distinguished Crucifixes from Crosses in this respect, and that if they had been unable to do so, there is nothing to show that, in their judgment, either Crosses or Crucifixes would have been lawful ornaments.

A further objection was then taken that, if the delineation of the Crucifixion in sculpture may not be lawfully set up in a Church, the same thing must be equally true of a picture in a painted window, exhibiting a similar figure.

It is not to be doubted that, in many churches (and in the notable instance of St. Margaret's Church, at Westminster, where the window is of

great age), representations of the Crucifixion in painted glass or paintings are to be found, and I am not prepared to offer any definition which should draw a sharp line of distinction between such decorations and a Crucifix. Indeed, I doubt whether any narrower or more exact definition of what is lawful and what unlawful, can, for practical purposes, be framed, than that which is set forth in the case of *Philpotts v. Boyd*.

But, adhering to that decision, and each case standing on its own circumstances, it is, I think, to be presumed that the Court of Appeal would not hesitate to adjudge even painted windows, or paintings portraying the same subject, to be unlawful if it was satisfied from the mode in which the subject was treated, the place which they occupied, or other the incidents and surrounding circumstances that they were in real danger of adoration, worship, or superstitious reverence. So long as they are free from this charge and fulfil no other function but that of fitly decorating the Church, they are free from objection—the moment that, from any cause, whether residing in the objects themselves, or arising among those who worship in the Church, the danger of their adoration is made manifest, I conceive that they cease to be innocent, and fall under the charge of illegality.

Up to this point I have considered only the reasons which lead to a conclusion that this Crucifix is likely to invite “superstitious reverence.” I will now say a few words on the alternative proposition, that it is intended only, and is likely to serve only, as an architectural decoration.

Viewing the matter in this light, the remark naturally arises that this particular figure of the Crucifix, while it may be justly said to stand

highest among the representatives of Gospel history in its fitness for the purposes of adoration or worship, must surely be admitted to occupy a very inferior place among the subjects adapted for the display of mere architectural beauty.

In association with other figures, and as embodying the scene of the Crucifixion, it has no doubt been the subject of artistic treatment; but by itself, as it appears here in this Church, standing alone, without incidents or adjuncts, it is a subject which, however artistically treated, might be so well spared in the mere decoration of Churches that it is not easy to conceive that it should be selected solely for that purpose.

Upon the whole, then, I must declare that the Crucifix surmounting the screen, in this case, has not been shown, to my satisfaction, to have been set up as an architectural decoration only, and that there does exist a danger and a likelihood that it may be the object of "adoration" and "superstitious reverence."

This conclusion makes it unnecessary to consider whether its erection was originally covered by the Faculty which was obtained for the iron screen—and the Court must now order it to be removed—but a removal of the Figure leaving the Cross standing, will be a compliance with this order.

It remains to deal with the "Stations of the Cross." They are described in the Representation as "Figures in coloured relief of a plastic material, attached to the walls of the Church, purporting to represent scenes of Our Lord's Passion, and such as are commonly used in Roman Catholic Churches," It was not denied that this general description of them is a correct one. More particularly, they are a set of

fourteen separate groups affecting to delineate the Sufferings of Our Lord, commencing with His Judgment and Condemnation, and ending with His Crucifixion and Burial.

The first objection taken to them I must hold to be a fatal one, namely—that they constitute “an addition to the fabric ornament or decoration of the Church” within the meaning of the Statute, and have been set up in the Church by the Respondent “without lawful authority,” no Faculty having been either granted or applied for to justify their erection.

The law which requires that those who wish to fix or set up any new decoration in a Church must apply to the proper authorities for a Faculty before they do so, is very salutary and ought to be upheld. It serves as a safeguard against the introduction of many objectionable things into the Church, which apathy or want of vigilance on the part of the parishioners might, in many instances, facilitate, and it maintains the principle, which is a wholesome one, that the structure and ornament of the Church is not to be meddled with except upon due consideration and lawful authority.

It is upon this ground therefore that I shall order their removal.

But the Representation further alleges that they are “decorations forbidden by Law,” and as they now stand I think they are.

It is needless to enter into the history of this set of pictures. Whatever origin they or some of them had, it is clear that the three falls of Christ under the Cross, and the legend of Sainte Véronique, have no warrant in Gospel History.

It is also clearly established by the two devotional books put in evidence, “The Crown of Jesus,” published under the authority of Car-

dinal Wiseman and four Roman Catholic Archbishops in Ireland; and "The Key of Heaven," by St. Alphonsus Liguori; that these fourteen representations are to the present day authorized objects of adoration in that Church. In the "Crown of Jesus," p. 421, the following instruction appears:—

"Devotion to the Passion of Our Lord is a singular special means of Grace. The great means of impressing this devotion profoundly on the Soul is the Holy Mass, the Holy Rosary, and the Stations of the Cross. You should endeavour to make the Stations of the Cross every week. The Church encourages this practice by the greatest indulgences. Every time that in a state of Grace you go round the Stations of the Cross, kneeling before each (or if the crowd be great, simply turning and kneeling towards each), and with a truly contrite heart meditate on each stage of Our Lord's Passion, as represented in the 'Via Crucis,' you have it in your power even without Communion and without any additional Special Prayers to obtain several plenary indulgencies for yourself, as also for the poor souls in Purgatory. * * * In making the following Stations, the same indulgencies are gained as if they were made at Jerusalem, on the very spot where Our Saviour suffered." Then there follow a set of Prayers for each Station, with directions at what part of them the worshipper is to kneel.

These extracts sufficiently show the character and objects of the pictures in question, as used among Roman Catholics; the Respondent puts them up in a Church of the Church of England and asks the Court to say that they are *architectural decorations only*, and of a lawful character. I think they are neither. Some of them, if they stood alone, dissociated from the rest, such for

instance as the Judgment of Pilate, may be unobjectionable in themselves, whilst others such as the three falls of Christ under the Cross and the fable of St. Véronique, whether they stand alone or not, may well be held objectionable in themselves ; but the entire set viewed as a whole, and in their relation to their well-known history, must be regarded, I think, as likely (if not intended) to be used for the purposes for which they always have been used, and not for the mere purpose of decorating the Church. I shall, therefore, as I have above said, order their removal, leaving it open to the Respondent if he shall desire it to apply for a Faculty to authorize the introduction into his Church of such of them as may turn out to be free from objection.

It will be observed that, in dealing with the question of lawfulness, both as regards these "Stations of the Cross" and the Crucifix, I have hitherto excluded from view all conclusions to be drawn from the manner in which the Respondent has been in the habit of conducting the services of his Church.

At the same time it is obvious enough that the probability of both the Crucifix and the "Stations of the Cross" being turned to superstitious uses, is largely augmented by the fact that they have been set up by a Clergyman who celebrates the Holy Communion with a mixed Chalice and wafer bread, and, with a "Biretta" on his head, accompanies a procession round his Church with banners, crosses, and acolytes in red cassocks, in apparent imitation of the Church of Rome.

But the structure or ornament of a Church is more or less a thing of permanence, while the ministrations of a particular Clergyman are more or less temporary, and if sound objec-

tions exist, as I think they do in this case to the objects complained of, in themselves, those objections constitute the best, because the most permanent basis for their condemnation and removal.

I will only add that I have endeavoured in the above conclusions rightly to interpret and apply the decisions of the Appellate Court on this grave subject, in their spirit as well as their letter.

I say grave subject, for no one can doubt that the slightest return to the use of graven images or pictures as an aid to prayer or a spur to devotion, would be justly regarded as a surrender of principles, vindicated at high cost in the Reformation, and dear to the people of this country.

On the other hand, it would be a matter of no small concern if any needless restriction or prudery of apprehension should serve to check the generous piety of those who have laboured to restore what the hand of time had defaced ; to undo the work of Puritan excess ; to repair the ravages of neglect ; and enhance the outward beauty of the House of God.

It is between these alternative evils that the decisions of the Appellate Court appear to me to be designed to occupy a safe position.

It may be that, in some cases, the line of severance between the "mere decoration," which is free from harm, and the "superstitious reverence," which is full of peril, may be difficult to draw or uncertain to maintain. I do not think it is so in this case ; but if I deceive myself in that belief there remains the obvious reflection that a false step in one direction is likely to be fraught with evils far greater than any that can ensue from an error committed in the other.

If sculptured figures, or pictures, are once set up in our Churches, and sustained by the Law ; to which (whether from the natural tendencies and weaknesses of the human mind on this subject, or from the teachings of books, or the promptings of individuals) adoration or superstitious reverence should, contrary to expectation, come to be paid, an irreparable step towards idolatry may prove to have been taken ; for the outward object once sanctioned, the inward devotion is beyond the reach of Laws.

In the opposite direction I can discern no evil comparable to this.

The range of decoration and artistic design is practically without a limit, and, in the profusion of choice, the loss by prohibition of any special figures or objects can at no time be more than faintly felt, and can at all times be easily repaired.

As the Judgment of the Court is, on all the charges, in favour of the Complainants, the Respondent must pay the costs of these proceedings.

APPENDIX.

(COPY.)

REPRESENTATION.

PUBLIC WORSHIP REGULATION ACT, 1874.

TO THE MOST REVEREND FATHER IN GOD, ARCHIBALD CAMPBELL, by Divine Providence Lord Archbishop of Canterbury.

WE, WILLIAM CLIFTON, of Saffron Place, Dover Street, Folkestone, in the County of Kent, and Diocese of Canterbury, GEORGE MILLER, of 28, Dover Street, Folkestone, aforesaid, and JAMES HARRIS, of 24, Dover Street, Folkestone, aforesaid, being three parishioners of the Parish of St. Peter, Folkestone, in your Grace's Diocese, within the intent and meaning of the Public Worship Regulation Act, 1874, that is to say, being three male persons of full age, who now have and for one year next before the 9th day of August, 1875, have had our usual places of abode respectively, within the District Chapelry of St. Peter, Folkestone, in Folkestone aforesaid, in your Grace's Diocese, and who have already transmitted to your Grace the solemn Declaration contained in Schedule A to the Public Worship Regulation Act, 1874, do hereby represent :

1. That the Reverend Charles Joseph Ridsdale, the Incumbent or Perpetual Curate of the said District Chapelry

(over which he has the exclusive Cure of Souls) on Sunday the 4th day of July, in the year of our Lord 1875, in his Church or Chapel of St. Peter, being the Church or Chapel of the said District Chapelry, at the early Service commencing at 7.30 a.m., and again at the Mid-day Service commencing at 10.30 a.m., and also on Sunday the 11th day of July, 1875, at the like Mid-day Service, unlawfully used lighted candles on the Communion Table at which the Communion was at the said times respectively being celebrated, or on a ledge immediately over the same during the celebration by him of the Holy Communion, and when such lighted candles were not wanted for the purpose of giving light.

2. That at all the said Services on the said days, the said Reverend Charles Joseph Ridsdale when officiating in his said Church in the Communion Service and in the administration of the Communion, unlawfully wore certain unlawful Ecclesiastical Vestments, other than and besides or instead of those appointed and allowed by law, (to wit) a Vestment known as an Albe, and a Vestment known as a Chasuble.

3. That at all the said Services on the said days, the said Reverend Charles Joseph Ridsdale when officiating in his said Church in the Communion Service, unlawfully mixed water with the Sacramental Wine used in the Communion, and also then administered or caused to be administered wine mixed with water to the communicants at the Lord's Supper.

4. That at all the said Services on the said days, the said Reverend Charles Joseph Ridsdale when officiating in his said Church in the Communion Service and in the administration of the Communion to communicants, unlawfully used in such Service and administration wafer bread or wafers (to wit, bread or flour made in the form of circular wafers), instead of bread such as is usual to be eaten.

5. That at the said Mid-day Services commencing at 10.30 a.m., on the said 4th July and on the said 11th July, the said Reverend Charles Joseph Ridsdale, when officiating in his said Church in the Communion Service, unlawfully stood awhile saying the prayer of Consecration in the said Service at the middle of the west side of the Communion Table (such Communion Table then standing against the east wall with its shorter sides towards the north and south) in such wise that during the whole time of his saying the

said prayer, he was between the people and the Communion Table, with his back to the people, so that the people could not see him break the bread or take the cup into his hand.

6. That at the said Mid-day Services on the said 4th July and the said 11th July, the said Reverend Charles Joseph Ridsdale, when officiating in his said Church in the Communion Service, and saying the prayer of Consecration in the said Service, did not continue in a standing posture, but twice unlawfully knelt or bent the knee during the reading thereof.

7. That at the said Mid-day Service, commencing at 10.30 on the said 11th July, 1875, immediately after the conclusion of the prayer of consecration in the Communion Service, the said Reverend Charles Joseph Ridsdale unlawfully caused to be sung in his said church, the words or hymn or prayer commonly known as the "Agnus,"—that is to say, "O Lamb of God that taketh away the sins of the world, have mercy on us."

8. That at the said Mid-day Service, commencing at 10.30, the said 4th July, 1875, and at the like service on Sunday, 1st August, 1875, the said Reverend Charles Joseph Ridsdale, when officiating in his said church, unlawfully celebrated the Lord's Supper in the course of Divine Service, and himself then consecrated and received the elements when only one person communicated with him.

9. That at the said Mid-day Service, commencing at 10.30 on the said 4th July, 1875, the said Reverend Charles Joseph Ridsdale, in his said church, after the conclusion of morning prayer, and immediately before the commencement of the Communion Service, and as connected with such Communion Service, and in the presence of the congregation then assembled in the said Church for such service, unlawfully formed and accompanied a procession, consisting of the Choir and of two Acolytes in Short Surplices and red Cassocks, and that four banners and a Processional Cross were carried in such procession, and that it proceeded from the chancel down the north aisle, and up the nave back to the chancel again, the choir singing a hymn while walking in the procession, and that the said Reverend Charles Joseph Ridsdale, while taking part in such procession, wore a Chasuble, and had a cap called a Biretta upon his head, and that on the return of the procession to the chancel, the Communion Service at once commenced.

10. That on the occasion of the Evening Service, on the evening of Sunday, July 4th, 1875, and immediately after an offertory, which took place at the conclusion of the sermon, and without any break or interval, and as connected with such Service, and in the presence of the congregation assembled for such Service, the said Reverend Charles Joseph Ridsdale, in his said Church, unlawfully caused a like procession to that before mentioned as having taken place at the morning Service, to be formed and accompanied the same round the Church in like manner singing, and at one period of such procession all those who took part in it fell upon their knees and remained kneeling for some time, and after their return to the Chancel the General Thanksgiving was intoned, and the congregation were then dismissed.

11. That the said Reverend Charles Joseph Ridsdale without lawful authority and unlawfully, and since the consecration of his said Church, that is to say, in the year 1872, set up and placed upon the top of the screen separating the Chancel of the said Church from the body or nave thereof, and still unlawfully retains there a crucifix and 24 metal candlesticks with candles, and that at the ordinary evening Service on Sunday, July 4th, 1875, the said candles were lighted on either side of such crucifix, and so continued during such Service, although the other lights in the Church were amply sufficient to light the Church, and the said candles were not needed for that purpose.

12. That the said Reverend Charles Joseph Ridsdale without lawful authority and unlawfully set up and placed in his said Church since the Consecration thereof, that is to say, in the year 1871, and still unlawfully retains therein certain representations of figures in coloured relief of plastic material, purporting to represent scenes of Our Lord's Passion attached to the walls of the said Church, and forming what are commonly called as Stations of the Cross and Passion, such as are commonly used in Roman Catholic Churches, and not in Churches of the Church of England, and that some of the said representations relate to legendary and superstitious scenes not part of the Gospel History, and not accepted or recognised as authentic by the Church of England, and that the said representations as a whole tend to encourage ideas and devotions of an unauthorized and superstitious kind, and are unlawful.

13. That the said Acts, matters, and things herein-

before mentioned, are respectively alterations in or additions to the fabric ornament or furniture of the said Church made without lawful authority, decorations forbidden by law, unlawful ornaments of the Minister of the Church, failures on the part of the Incumbent to observe and cause to be observed, the directions contained in the Book of Common Prayer relating to the performance in such Church of the Services, Rites and Ceremonies ordered by the said Book, or unlawful additions to and alterations of such Services, Rites, and Ceremonies.

Dated this 10th day of August, 1875.

WILLIAM CLIFTON.

G. MILLER.

JAMES HARRIS.

(COPY.)

ANSWER.

IN THE ARCHES COURT OF CANTERBURY.

PUBLIC WORSHIP REGULATION ACT, 1874.

In the Matter of the Representation of WILLIAM CLIFTON, GEORGE MILLER, and JAMES HARRIS, made in pursuance of the provisions of the Public Worship Regulation Act, 1874, in which the Reverend CHARLES JOSEPH RIDSDALE, Clerk, Incumbent, and Perpetual Curate of Saint Peter, Folkestone, in the Diocese of Canterbury, is the person complained of.

I, THE REVEREND CHARLES JOSEPH RIDSDALE, Clerk, Incumbent, and Perpetual Curate of Saint Peter, Folkestone, in the Diocese of Canterbury, in Answer to the said Representation, say as follows :

1. I admit that, as stated in the Sixth head of the Representation, I did on Sunday, the 4th of July, 1875, kneel, or bend the knee, once only, during the Prayer of Consecration in the Order of the Administration of the Holy Communion, and having since further considered the subject, I admit that such kneeling or bending the knee was unlawful. I do not now when I celebrate the Holy Communion, so kneel or bend the knee, and I have for some time ceased to do so. I submit, therefore, that no order need be made in respect of this head of the Representation.

2. Save as aforesaid I do not admit, and I require the Complainants to prove every charge which they have made in the Representation.

3. The Vestments respectively known as an Alb and a Chasuble are, I submit, not unlawful for Ecclesiastical Vestments, as alleged in the Second head of the Representation.

4. At the Mid-day Service on Sunday the 4th of July, 1875, and at the same Service on Sunday, the 1st of August, 1875, and during the whole of the said Service, there were present in the said Church of Saint Peter a convenient number to communicate with the Priest, and every opportunity was given to them, and every of them, to communicate with the Priest.

5. On the 25th of August, 1870, a Faculty was granted by the Commissary Court of Canterbury, for the erection of a Screen of ornamental iron work in the said Church of Saint Peter. The Screen separating the Chancel from the Nave was erected in the year 1872. The upper part of this Screen consists of an iron unpainted figure of Our Saviour (about eighteen inches long) upon the Cross, and twenty-four brass sconces for candles screwed into the end of every upright rod of the Screen. The said figure of Our Saviour upon the Cross, and the said brass sconces form part of the said Screen, and the whole Screen was erected at the same time and in one piece.

6. The parishioners of the Parish and Church of Saint Peter, Folkestone, have an interest in the retention of the said Screen, consisting as aforesaid, in the said Church, and I am advised that they are necessary parties to any suit in which any order may be made for the removal of the said Screen, or any part thereof.

7. There are in the said Church of Saint Peter fourteen embossed pictures, in framed squares of plastic material, coloured and in relief, purporting to represent scenes in Our Lord's Passion, hanging on nails driven into the walls of the Nave and Aisle of the said Church. These embossed pictures have been so hung since the 8th of September, 1871. They are, I submit, not unlawful.

8. The allegation in the twelfth head of the representation that the representation of figures purporting to represent scenes of Our Lord's Passion are such as are commonly used in Roman Catholic Churches, and not in Churches of the Church of England, and that some of the

said representations relate to legendary and superstitious scenes not part of the Gospel History, and not accepted or recognised as authentic by the Church of England, and that the said representations as a whole tend to encourage ideas and devotions of an unauthorized and superstitious kind, are, I submit, irrevelant, immaterial, and calculated to prejudice, and improperly made against me.

9. In the month of March 1874, I was served with a Monition from the Commissary Court of Canterbury, addressed to me as the Incumbent of Saint Peter, Folkestone, and to John Fagg and Edward Mummery as the Churchwardens of the said Church, reciting that there were in the said Church certain representations of figures in coloured relief of plastic material, representing scenes of Our Lord's Passion attached to the walls of the said Church, and commonly called Stations of the Cross and Passion, such as are commonly used in Roman Catholic Churches, and not in Churches or Chapels of the Church of England, and that the said representations of figures had been introduced into the said Church since the consecration thereof, and without the authority of any Faculty, and that the use and exhibition of them was contrary to law, and monishing and citing us to remove or cause to be removed, the said representations of figures, or to enter an appearance in the said Commissary Court, and show cause why they should not be removed. I did not show cause, but the said John Fagg and Edward Mummery did, as I am informed and believe show cause, and having taken an objection that one John Benjamin Lee, at whose instance the said Monition was issued, had not shown any interest on the face of the said Monition sufficient to support it, were ultimately dismissed from the suit. By reason thereof the embossed pictures in the said Church which are intended by the representations of figures mentioned in the said Monition have not been removed from the said Church. The said John Fagg and Edward Mummery, and the Parishioners of the said Church of Saint Peter, have an interest in the retention of the said embossed pictures in the said Church, and are, as I am advised, necessary parties to any suit in which any order may be made for the removal of the said embossed pictures.

10. I submit, that if necessary, the Court should grant a Faculty, or direct a Faculty to be applied for to confirm the erection or hanging up of the said embossed pictures.

Wherefore I humbly pray that I may be dismissed from all further observance of justice in the matter of the said representation.

Dated the 17th day of December, 1875.

C. J. RIDSDALE.

Present :

GEORGE H. BROOKS,

Proctor.







